

Message Text

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ACTION SS-25

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S E C R E T SECTION 01 OF 02 GENEVA 12246

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PASS TO DOE

E.O.11652: XGDS-3
TAGS: PARM US UK UR
SUBJECT: CTB NEGOTIATIONS: POLITICAL WORKING GROUP
CONSIDERATION OF PNE PROTOCOL, AUGUST 7 AND 9, 1978

CTB MESSAGE NO.292

1. SUMMARY: AT AUGUST 7 AND 9 MEETINGS OF POLITICAL WORKING GROUP, THE DELEGATIONS CONSIDERED POSSIBLE FORMULATIONS FOR THE PROVISIONS OF THE PNE PROTOCOL. AT AUGUST 9 MEETING, SOVIET DEL OFFERED A NEW DRAFT GOING A LONG WAY TOWARD MEETING THE OBJECTIONS RAISED BY US AND UK DELS TO THE DRAFT TABLED BY THE SOVIETS LAST FEBRUARY. NEW DRAFT MAKES IT CLEAR THAT PNES ARE PROHIBITED UNTIL THE TREATY IS AMENDED TO PERMIT THEM, AND DOES NOT PREJUDGE WHETHER DISCUSSIONS COULD BE SUCCESSFULLY CONCLUDED ON THE ESTABLISHMENT OF AN ACCEPTABLE PNE REGIME. END SUMMARY.

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2. POLITICAL WORKING GROUP MEETINGS AUGUST 7 AND 9 WERE DEVOTED TO CONSIDERATION OF ISSUES RAISED BY PNE PROTOCOL. AT FIRST OF THESE MEETINGS NEIDLE (US) INDICATED THAT DRAFT TABLED BY US DEL HAD BEEN DESIGNED TO HELP MOVE DELS TO THE STAGE OF WORKING ON TREATY TEXT AND DID NOT REPRESENT INFLEXIBLE POSITIONS. HE SAID THAT OUR PROPOSAL FOR ARTICLE I OF THE PROTOCOL, PARALLELING

ARTICLE I OF THE TREATY, WAS ONE WAY, BUT NOT THE ONLY WAY, TO FORMULATE WHAT WE REGARD AS THE BASIC OBLIGATION OF THE PROTOCOL. HOWEVER, TO BE ACCEPTABLE TO THE US DEL, ARTICLE I OF THE PROTOCOL WOULD HAVE TO MAKE IT CLEAR THAT PNES COULD NOT BE CONDUCTED. AS FOR ARTICLE II, US DEL HAD SOUGHT AS NEUTRAL, OBJECTIVE A FORMULATION AS POSSIBLE CONCERNING FUTURE DISCUSSIONS ON PNES, BUT WE WOULD BE PREPARED TO CONSIDER OTHER NEUTRALLY WORDED FORMULATIONS.

3. TIMERBAEV (USSR) SAID THAT THE SOV DEL, TOO, WAS WILLING TO WORK OUT MUTUALLY ACCEPTABLE LANGUAGE. BIRCH (UK) SAID THAT THE SOLUTION WOULD LIE IN A MIDDLE GROUND THAT SATISFIED ALL SIDES. HE OFFERED, INFORMALLY, SOME SUGGESTIONS FOR FORMULATIONS THAT MIGHT BE DISCUSSED. TIMERBAEV AND NEIDLE SAID THAT THEY WOULD STUDY THESE IDEAS.

4. TIMERBAEV ADDED, IN AN ILLUSION TO BREZHNEV'S NOVEMBER 2 SPEECH, THAT FROM THE POLITICAL POINT OF VIEW IT WAS EXTREMELY IMPORTANT TO THE SOV DEL THAT THE WORD "MORATORIUM" APPEAR IN SOME FORM IN ARTICLE I OF THE PROTOCOL. HE SAID THAT THE WORD HAD BEEN IN THE FORE-FRONT OF THE SOV DEL'S THINKING FOR MANY MONTHS. NEIDLE SAID THAT THE US DEL WOULD PREFER NOT TO USE THAT WORD, BUT IF THERE WERE A WAY TO MAKE THE NATURE OF THE OBLIGATION SECRET

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TION NOT TO CONDUCT PNES CLEAR AND LEGALLY BINDING, WE WOULD BE PREPARED TO CONSIDER WHETHER THE WORD "MORATORIUM" COULD BE "SHOE-HORNED" INTO THE ARTICLE; THE MOST IMPORTANT THING FOR US WAS TO DEFINE CLEARLY THE OBLIGATIONS OF THE PARTIES.

5. AT THE AUGUST 9 MEETING, TIMERBAEV DISTRIBUTED A NEW SOVIET DRAFT, WHICH, UNLIKE THE SOVIET DRAFT OF LAST FEBRUARY, MAKES THE OBLIGATION TO REFRAIN FROM PNES CLEAR AND LEGALLY BINDING; AND DOES NOT PREJUDGE WHETHER NEGOTIATIONS ON ACCEPTABLE PROCEDURES FOR CARRYING OUT PNES WOULD BE SUCCESSFUL. TEXT FOLLOWS.

6. BEGIN TEXT: PROTOCOL - ON NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES.

THE STATES PARTIES TO THE TREATY,

HAVING AGREED TO PROHIBIT ANY NUCLEAR WEAPON TEST EXPLOSIONS IN ANY ENVIRONMENT,

RECOGNIZING THE IMPORTANCE FOR MANKIND OF VARIOUS USES OF

ATOMIC ENERGY FOR PEACEFUL PURPOSES,

TAKING INTO CONSIDERATION THE PROVISIONS OF ARTICLE V OF
THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS,

RECOGNIZING THE NEED TO WORK OUT PROCEDURES FOR CARRYING
OUT NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES THAT WOULD

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EXCLUDE THE POSSIBILITY OF THEIR USE IN A WAY INCONSISTENT
WITH THIS TREATY AND THE TREATY ON THE NON-PROLIFERATION
OF NUCLEAR WEAPONS, AND SEEKING TO WORK OUT SUCH PRO-
CEDURES AS SOON AS POSSIBLE,

HAVE AGREED AS FOLLOWS:

ARTICLE I - PARTIES TO THIS TREATY AGREE TO ESTABLISH A
MORATORIUM ON NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES
AND, ACCORDINGLY, TO REFRAIN FROM CAUSING, ENCOURAGING,
PERMITTING OR IN ANY WAY PARTICIPATING IN THE CARRYING OUT
OF SUCH EXPLOSIONS UNTIL PROCEDURES FOR CONDUCTING THEM
ARE WORKED OUT.

ARTICLE II - PARTIES TO THIS TREATY UNDERTAKE TO HOLD
NEGOTIATIONS WITH A VIEW TO WORKING OUT PROCEDURES FOR
CARRYING OUT NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES,

PROVIDED FOR IN ARTICLE I OF THIS PROTOCOL, WHICH SHALL
BEGIN PROMPTLY AFTER THE ENTRY OF THE TREATY INTO FORCE.

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THE PROCEDURES FOR CARRYING OUT NUCLEAR EXPLOSIONS FOR
PEACEFUL PURPOSES SHALL BE FORMALIZED IN A SPECIAL AGREE-
MENT OR AGREEMENTS OR BY OTHERWISE AMENDING THIS PROTOCOL
AS MAY BE APPROPRIATE. END TEXT.

7. TIMERBAEV EXPLAINED THE NEW SOVIET TEXT, INDICATING
THAT ITS LANGUAGE FOR ARTICLE I WAS AN AMALGAMATION OF
PHRASES DISCUSSED AT THE LAST MEETING AND ILLUSTRATIVE
IDEAS MENTIONED BY THE UK DEL. HE SAID THAT THE SOV DEL
RESERVED ITS RIGHT TO RETURN TO THE QUESTION OF WHETHER
OR NOT ARTICLE I SHOULD REFER TO DURATION, AFTER WE HAD
SETTLED THE ISSUES RELATING TO THE DURATION OF THE TREATY.
REGARDING ARTICLE II, TIMERBAEV SAID THAT THE SOV DEL
WOULD NO LONGER INSIST THAT IT FORECAST A SUCCESSFUL EFFORT
TO DEVELOP A PNE PROCEDURE. IN CONNECTION WITH THIS
ARTICLE, SOV DEL PROPOSES THAT THERE SHOULD BE TRILATERAL
AGREEMENT, AT AN APPROPRIATE TIME DURING THESE NEGOTIA-
TIONS, ON A DATE THAT TRILATERAL PNE NEGOTIATIONS WOULD
BEGIN, BUT THIS ARRANGEMENT NEED NOT BE WRITTEN INTO THE
PROTOCOL.

8. BIRCH AND NEIDLE RECOGNIZED THE SUBSTANTIAL EFFORT
THAT THE SOV DEL HAD UNDERTAKEN TO BRING OUR POSITIONS
CLOSER TOGETHER AND CHARACTERIZED THE SOVIET DEL'S EFFORT
AS POSITIVE AND CONSTRUCTIVE, WHILE NOTING THAT THERE
WOULD BE NUMEROUS ISSUES RAISED BY THE SOVIET DRAFT THAT
WOULD HAVE TO BE DISCUSSED AND RESOLVED. THEY RAISED A
NUMBER OF PRELIMINARY QUESTIONS ABOUT THE SOVIET DRAFT:
-- RELATION TO THE LIMITED TEST BAN TREATY (LTBT). GILLER
(US) NOTED THAT THE LTBT RESTRAINED STATES FROM CONDUCT-
ING PNES WHICH CAUSE RADIOACTIVE DEBRIS TO GO BEYOND
NATIONAL BORDERS. IF WE REFER TO CONSISTENCY WITH THE
NON-PROLIFERATION TREATY WE MIGHT ALSO CONSIDER STATING

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THAT ANY PNE ARRANGEMENTS WOULD HAVE TO BE CONSISTENT
WITH THE LTBT. TIMERBAEV SAID THAT HE SOV DEL WAS IN
AGREEMENT ON GILLER'S UNDERSTANDING OF THE ISSUE.
-- WORD "MORATORIUM". EACH DEL REITERATED ITS PREVIOUSLY
STATED VIEW WITH RESPECT TO THE WORD "MORATORIUM".
BIRCH SUGGESTED THAT IT TILTED TOO MUCH IN THE DIRECTION
OF A TEMPORARY HALT, AND TIMERBAEV SAID THAT THE

"UNTIL" CLAUSE OF ARTICLE I MADE CLEAR THE CONTINUING NATURE OF THE BAN ON PNES.

-- PRECLUSION OF MILITARY BENEFITS. BIRCH AND NEIDLE SAID THE UK AND US DELS WOULD PREFER TO SEE THIS TEST OF ANY PNE ARRANGEMENTS APPROPRIATELY EMBODIED IN ONE OF THE ARTICLES RATHER THAN IN THE PREAMBLE.

-- TIMING OF NEGOTIATIONS. NEIDLE SUGGESTED THAT IT MIGHT BE BETTER NOT TO SPECIFY IN THE PROTOCOL THAT NEGOTIATIONS ON PNES WOULD BEGIN PROMPTLY. CERTAIN NON-NUCLEAR WEAPON STATES MIGHT TAKE THIS AS AN INVITATION TO PARTICIPATE IN PNE NEGOTIATIONS. IF THERE WERE TO BE AN UNDERSTANDING AMONG OURSELVES REGARDING THE ONSET OF TRILATERAL DISCUSSIONS, AS THE SOV DEL HAD SUGGESTED, WOULD THERE THEN BE ANY NEED FOR A PHRASE IN THE PROTOCOL PERTAINING TO THE TIMING OF NEGOTIATIONS?

-- AMENDMENTS. NEIDLE ASKED WHETHER THE SOVIET DRAFT CONTEMPLATED THAT AN AMENDMENT TO THE PROTOCOL WOULD BE REQUIRED IN ORDER TO HAVE "A SPECIAL AGREEMENT OR AGREEMENTS" REGARDING PNES. TIMERBAEV REPLIED AFFIRMATIVELY THAT ANY SUCH ARRANGEMENT SHOULD BE EFFECTED BY AMENDING THE PROTOCOL, BUT IT SHOULD BE POSSIBLE FOR THE FORM OF THE AMENDMENT TO BE "A SPECIAL AGREEMENT OR AGREEMENTS", A TERM USED IN ARTICLE V OF THE NPT.

JOHNSON

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